

days, subject to extension by the presiding judge for not more than twelve days thereafter;

Provided that Sundays and legal holidays shall be excepted; that any term shall continue as long as necessary for the sole purpose of concluding any trial begun before the time when such term would otherwise expire; that in the First and Fourth Circuits, unless by consent, no jury trial in any civil case shall be begun in March, June, or November and no trial in any term case in July and August; and that the terms at North Kohala and Waiohinu shall be held for the trial of such cases only as do not require a jury, and that no jurors, grand or trial, shall be summoned for such terms."

SECTION 3. This Act shall take effect from and after January 1, 1912.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 127.

AN ACT

TO REPEAL SECTIONS 1676, 1689, 1690 AND 1691, AND TO AMEND SECTION 1688 OF THE REVISED LAWS OF HAWAII, RELATING TO THE DUTIES OF CLERKS OF COURTS OF RECORD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1676, 1689, 1690 and 1691 of the Revised Laws of Hawaii be and are hereby repealed.

SECTION 2. Section 1688 of said Revised Laws is hereby amended by striking therefrom the words "tax costs."

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 128.

AN ACT

TO AMEND CHAPTER 190 OF THE REVISED LAWS OF HAWAII, BY AMENDING SECTION 2929 THEREOF, AND BY ADDING TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 2929A AND 2929B.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2929 of the Revised Laws of Hawaii is hereby amended to read as follows:

"Section 2929. *Assault with intent to ravish. Punishment.* Whoever maliciously assaults any female with an intent to commit the crime of rape or maliciously assaults any female child under the age of twelve years with intent to ravish or carnally abuse and know such child, shall be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for not more than five years or both."

SECTION 2. A new section, to be known as Section 2929A, is hereby added, said section reading as follows:

"Section 2929A. Whoever takes indecent and improper liberties with the person of a female child under the age of twelve years without committing or intending to commit the crime of rape shall be deemed guilty of indecent assault and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for not more than five years or both."

SECTION 3. A new section, to be known as Section 2929B, is hereby added, said section reading as follows:

"Section 2929B. Under an indictment charging a defendant with rape or with carnal abuse of a female child under the age of twelve years or with assault with intent to commit either of said offenses, the jury may find the defendant guilty of an indecent assault if the facts so warrant."

SECTION 4. Nothing herein contained shall be construed to repeal Section 2873 of the Revised Laws relating to rape, sodomy, etc.

SECTION 5. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 129.

AN ACT

TO AMEND ACT 55 OF THE LAWS OF 1909, RELATING TO THE ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 55 of the Laws of 1909 is hereby amended to read as follows:

"Section 1. When private property is required for a public use and no special provision is made for the acquisition thereof, the proceeds, or so much thereof as may be necessary, derived from the sale of any public land sold for other than homestead purposes may, with the approval of the Governor, be designated as required for the acquisition of such private property, and

shall thereupon be deemed to be and is hereby appropriated for such purpose. Any unexpended part of such appropriation may at any time or times be similarly designated as no longer required for such purposes, and thereupon the appropriation shall lapse as to such part, which shall then be applied in the same manner as proceeds of such sales not so appropriated. Provided, that the property so required shall be in the same county or city and county as the property so sold; and provided further, that no such property shall be sold for a sum less than the value fixed by three disinterested persons acting as appraisers, nor purchased for a sum greater than the value fixed by three disinterested appraisers, said appraisers to be appointed by the Governor of the Territory of Hawaii."

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 130.

AN ACT

RELATING TO INHERITANCE TAX, AMENDING SECTIONS 5 AND 12 OF ACT 102 OF THE SESSION LAWS OF 1905, AS AMENDED BY SECTIONS 2 AND 3, RESPECTIVELY, OF ACT 147 OF THE SESSION LAWS OF 1909.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 5 of Act 102 of the Session Laws of 1905, as amended by Section 2 of Act 147 of the Session Laws of 1909, is hereby amended to read as follows:

"Section 5. All taxes imposed by this Act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid interest at the rate of ten per cent per annum shall be charged and collected from the date of death; provided that if said tax is paid within twelve months from the date of death, a discount of five per cent shall be allowed and deducted from said tax, and in all cases where the executors, administrators or trustees do not pay such tax within eighteen months from the date of the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in Section 3 of this Act for the payment of said tax together with interest."

SECTION 2. Section 12 of Act 102 of the Session Laws of 1905, as amended by Section 3 of Act 147 of the Session Laws of 1909, is hereby amended by adding thereto a paragraph to read as follows:

"All property, the transfer of which is subject to tax under the provisions of this Act, shall be appraised at its full cash value as of the date of death. Whenever, by reason of the provisions of this Act, it shall become necessary to appraise or ascertain the value of any stocks, bonds or securities, such as are customarily bought or sold in open market in the City of Honolulu or elsewhere, the value of such stocks, bonds or securities shall be ascertained by taking the price for which such stocks, bonds or securities were bought and sold upon the date of death, or if there were no sales upon such day, then by ascertaining the range of the market and the average of prices as thus found running through a reasonable period of time before and after the date of death."

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 131.

AN ACT

TO AMEND SECTIONS 1 AND 3 OF ACT 123 OF THE SESSION LAWS OF 1909, RELATING TO THE DEPOSIT OF TERRITORIAL MONIES IN BANKS IN THIS TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 123 of the Session Laws of 1909 is hereby amended by striking therefrom, in lines three and four thereof, the words "other than moneys which by law are held as special deposits and not immediately required for territorial purposes," and beginning, in line twenty-two, the words:

"And provided that moneys held in the treasury to the credit of any special deposit may, with the approval of the Governor, be deposited by the treasurer in any savings bank or savings department of any bank, to draw such interest thereon as may be paid by the depository for deposits of like nature."

SECTION 2. Section 3 of said Act 123 is hereby amended by striking therefrom, beginning in line twelve thereof, the words:

"Provided, however, that moneys held in the treasury to the credit of any special deposit or deposits may be deposited in any savings bank or savings department of any bank to an amount not to exceed five thousand dollars without requiring security therefor."

SECTION 3. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 132.

AN ACT

TO AMEND SECTION 988 AND SECTION 991, AS AMENDED BY ACT 42 OF THE LAWS OF 1905, OF THE REVISED LAWS, AND TO ADD A NEW SECTION THEREON, TO BE KNOWN AS SECTION 992A, RELATING TO THE BOARD OF HEALTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The second paragraph of Section 988 of the Revised Laws is hereby amended to read as follows:

"The board shall have the general charge, oversight and care of the health and lives of the people of the Territory. It shall have authority in matters of quarantine and other health matters and may declare and enforce quarantine when none exists and modify or release quarantine when it is established. It shall be the duty of all county and city and county health authorities, sheriffs and police officers, and all other officers and employees of the Territory, and every county or city and county thereof, to enforce the rules and regulations of the Board of Health. Such powers in health matters as have been or may be conferred upon any county or city and county, shall be concurrent with those of the Board of Health. It shall make, through its president, an annual report to the Governor, showing in detail all its expenditures and transactions, and such other information regarding the public health as it may deem of special interest."

SECTION 2. Section 991 of the Revised Laws as amended by Act 42 of the Session Laws of 1905 is hereby amended to read as follows:

"Section 991. *Regulations.* The Board of Health, with the approval of the Governor, may make such regulations respecting nuisances, foul or noxious odors, gases or vapors, water in which mosquito larvae breed, sources of filth, causes of sickness or disease, within the respective districts of the Territory, and on board of any vessels; as also respecting adulteration and false branding of food; drainage, location, air space, ventilation and sanitation of buildings, courts, areas and alleys; privy vaults and cesspools; fish and fishing; internments and dead bodies; laundries, stables, bakeries, poi shops, abattoirs, fish, meat or vegetable stores or markets, hotels, lodging houses, tenements, or any place or building where noxious or noxious trades or manufactures are carried on, or intended to be carried on; milk; poisonous drugs; pig and duck ranches, as it shall deem necessary for the public health and safety.

Said board shall, with the approval of the Governor, also make such regulations as it may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into or conveyed from any district, or into or from any vessel."

SECTION 3. A new section is hereby added to the Revised Laws, to be known as Section 992A, as follows:

"Section 992A. No permit or license shall be issued by any county or city and county officer for the erection, maintenance, use or operation of any building for which a permit or license may be issued by such county or city and county officer under the provisions of Act 97 of the Session Laws of 1911, or under the provisions of any ordinance made in pursuance of said Act, nor for the erection, maintenance, use or operation of any bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house or any place or building where noxious or noxious trades or manufactures are carried on, or intended to be carried on, for which a permit or license may be issued by such county or city and county officer, except upon a certificate of the Board of Health, setting forth that an agent of said board has examined the place at which it is proposed to erect or move said building, or to erect, maintain, use or operate said building, bakery, laundry, poi shop, abattoir, stable, fish, meat or vegetable store or market, hotel, tenement, lodging house, or place or building where noxious or noxious trades or manufactures are carried on, or intended to be carried on, and that such place or building is in a fit and sanitary condition, and suitable for the purpose for which it is intended. The Board of Health is hereby authorized to direct the cancellation of such permit or license issued by any county or city and county officer, where any such building or place fails in any respect to meet the requirements of the general health laws and regulations."

SECTION 4. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

ACT 133.

AN ACT

TO REPEAL CHAPTERS 46 AND 47 OF THE REVISED LAWS OF HAWAII, RELATING TO WATER WORKS AT WAILUKU, KAHULUI AND NORTH KOHALA.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapters 46 and 47 of the Revised Laws of Hawaii are hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1911.

WALTER F. FREAR,
Governor of the Territory of Hawaii.

LEGAL NOTICES.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE TERRITORY OF AND DISTRICT OF HAWAII.

UNITED STATES OF AMERICA, Plaintiff and Petitioner, vs. AUGUSTUS F. KNUDSEN; ERIC A. KNUDSEN; ANNIE S. KNUDSEN; ARTHUR S. KNUDSEN; ARTHUR S. KNUDSEN; IDA E. VON HOLT; HENRY M. VON HOLT; MAUD K. GARSTIN; KEKAHA SUGAR COMPANY, a corporation organized and existing under and by virtue of the laws of the Territory of Hawaii; THE TERRITORY OF HAWAII; BISHOP TRUST COMPANY, a corporation organized and existing under and by virtue of the laws of the Territory of Hawaii; and SAMUEL ALGAROB, JANE GUAVA, MARY MANGO and JOHN BANYAN, unknown owners and claimants, Defendants and Respondents.

You are hereby directed to appear, and answer the Petition in an action entitled as above, brought against you in the District Court of the United States, in and for the Territory of Hawaii, within twenty days from and after service upon you of a certified copy of Plaintiff's Petition herein, together with a certified copy of this Summons.

And you are hereby notified that unless you appear and answer as above required, the said Plaintiff will take judgment of condemnation of the lands described in the Petition herein and for any other relief demanded in the Petition.

WITNESS THE HONORABLE SANFORD B. DOLE and THE HONORABLE A. G. M. ROBERTSON, Judges of said District Court, this 5th day of January, in the year of our Lord one thousand nine hundred and eleven and of the Independence of the United States the one hundred and thirty-fifth.

(Sgd.) A. E. MURPHY,
(Seal) Clerk.

(Endorsed)
No. 72. DISTRICT COURT OF THE U. S. for the Territory of Hawaii. THE UNITED STATES OF AMERICA vs. AUGUSTUS F. KNUDSEN, et al. SUMMONS. ROBERT W. BRECKONS and WILLIAM T. RAWLINS, Attorneys for Plaintiff.

UNITED STATES OF AMERICA,
District of Hawaii—ss.

I, A. E. MURPHY, Clerk of the District Court of the United States of America, in and for the Territory and District of Hawaii, do hereby certify the foregoing to be a full, true and correct copy of the original Summons in the case of THE UNITED STATES OF AMERICA vs. AUGUSTUS F. KNUDSEN, et al., as the same remains of record and on file in the office of the Clerk of said Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 17th day of January, A. D. 1911.

(Seal) A. E. MURPHY,
Clerk of the United States District Court, Territory of Hawaii.
By F. L. DAVIS, Deputy Clerk.
4825-3m

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